

Appln No. 10/659,016
Amdt. Dated April 4, 2005
Response to Office action of February 7, 2005

4

REMARKS/ARGUMENTS**AMENDMENT**

In response to the Examiner's further Office Action of February 7, 2005 the Applicant submits the accompanying Amendment to the claims and the below Remarks directed thereto.

In the present (RCE) application claims 1, 2 and 4-9 are pending. In the Amendment:

claim 1 is further amended to clarify that the second casing portion defines a part of each of the ink storage chambers and that the cartridge further comprises a deformable film which sealingly connects the first and second casing portions so as to define a remaining part of each of the storage chambers, and that the deformable film is configured to provide each of the storage chambers with ink storage volumes that reduce with ink usage. Support for this amendment can be found, for example, at page 5, lines 6-17 of the specification;

claim 4 is cancelled in conformance with amended claim 1; and

claims 2 and 5-9 are unchanged.

It is respectfully submitted that the above amendments do not add new matter to the present application.

Regarding Status of Office Action

It is noted that the page 1 of the present Office Action indicates in Status box 2a) that the present Office Action is final. However, in the Conclusion section of the present Office Action there is no indication as to the finality of the Office Action as required by MPEP §706.07.

Based on the Conclusion, the fact that this is the first Office Action after the filing of an RCE on January 12, 2005 and a check through the online filing system of the USPTO website, the Applicant has assumed that the present Office Action is not final. However, the Applicant would appreciate confirmation of this from the Examiner if a further Office Action is issued in the present application.

Appln No. 10/659,016
Amdt. Dated April 4, 2005
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5

Regarding 35 USC 103(a) Rejections of Claims 1, 2 and 9

It is respectfully submitted that the subject matter of amended claim 1, and claims 2 and 9 dependent therefrom, is not taught or suggested by previously cited McIntyre et al. (USP 6,149,256) in view of newly cited Fong et al. (USP 5,621,445) for at least the following reasons.

In the present invention, each distinct ink chamber 27 is defined by the sealed engagement of the ink storage base molding 26 and the thin walled deformable film 30. The deformable film 30 is used to sealingly connect the ink storage base molding 26 to the print media storage bottom molding 11 so as to seal the ink chambers 27. The deformability of the film 30 provides each ink chamber 27 with variable ink storage volume, whilst the use of a single film 30, rather than a separate collapsible membrane for each ink chamber 27, enhances the manufacturing costs and efficiency of the cartridge (see page 5, lines 6-17 and page 6, line 21-page 7, line 2 of the specification).

On the other hand, as admitted by the Examiner, McIntyre does not teach or suggest partially defining each ink storage chamber by a collapsible membrane such that each storage chamber has a variable ink storage volume. This is because, McIntyre is silent as to the structure of the ink reservoirs 38. In an attempt to make up for this deficiency in McIntyre, the Examiner has cited Fong.

However, whilst Fong discloses a collapsible ink bag 15 provided in the ink cartridge 10, this ink bag 15 does not constitute a deformable film like that of amended claim 1. This is because, if multiple ink cartridges 10 were provided in Fong, constituting the plurality of ink storage chambers of amended claim 1, a separate ink bag 15 would be provided for each cartridge 10 not a single deformable film which would constitute a part of all cartridges.

Thus, in any combination of McIntyre and Fong, separate ink bags would be provided and as such the manufacturing cost and efficiency would not be enhanced as in the present invention.

Therefore, the subject matter of amended independent claim 1, and claims 2 and 5-9 dependent therefrom is not taught or suggested by McIntyre either taken alone or in combination with Fong.

Appn No. 10/659,016
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6

Regarding 35 USC 103(a) Rejections of Claims 5-8

It is respectfully submitted that the subject matter of claims 5-8, which are dependent from amended claim 1, is not taught or suggested by McIntyre in view of Fong and further in view of previously cited Lee (USP 5,240,238) for at least the following reasons.

Lee does not make up for the above-discussed deficiencies in either McIntyre or Fong. Therefore, the subject matter of claims 5-8, which are dependent from amended independent claim 1, is not taught or suggested by McIntyre nor Fong either taken alone or in combination with Lee.

It is respectfully submitted that all of the Examiner's outstanding rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

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